UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,954	07/10/2001	James E. Templeton	PAY00-003	7267

22200 7590 07/10/2007		EXAMINER
PARK, VAUGHAN & FLEMING LLP		NGUYEN, NGA B
2820 FIFTH STREET		
DAVIS, CA 95618	ART UNIT	PAPER NUMBER
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MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _27 March 2007_.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-43_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-43_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This Office Action is the answer to the Amendment filed on March 27, 2007,

which paper has been placed of record in the file.

2.   Claims 1-43 are pending in this application.

Response to Arguments/Amendment

3.   Applicant's arguments with respect to claims 1-43 have been considered but are

moot in view of new ground of rejection.

4.   Applicant's amendment necessitated the new grounds of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 1-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Talati et al (hereinafter Talati), U.S. Patent No. 5,903,878, in view of Watson et al

(hereinafter Watson), U.S. Patent No. 6,226,624.

Regarding to claim 1, Talati discloses a computer-implemented method of

verifying a customer's authority to use a financial instrument, the method comprising:

within a system comprising:

initiating one or more transactions using a financial instrument identified by a

customer, wherein said one or more transaction are initiated by a transaction processor

through one or more financial system coupled to the transaction processor;

storing one or more attributes (column 5, lines 33-40 and column 6, lines 25-32,

the transaction administrator 60 stores originator's information, e.g. mother's maiden

name, social security number, driver's license number, etc.);

receiving a set of proffered attributes via a user interface configured to exchange

communication with the customer (column 5, lines 33-40 and column 6, lines 25-32, the

transaction administrator receives the answers to the series of questions from the

originator);

comparing said proffered attributes to said stored attributes (column 6, lines 33-36, the CA 60 responds with an authorization for the transaction if there is a confirmation by client of transaction validity); and

accepting use of the financial instrument by the customer for a subsequent transaction if said proffered attributes match said stored attributes (column 6, lines 33-36, the CA approves the client transaction if there is a confirmation by client of transaction validity).

Talati does not disclose the transaction processor configured to initiate one or more transactions using a financial instrument identified by a customer, storing one or more attributes of said one or more transactions. However, Watson discloses the transaction processor configured to initiate one or more transactions using a financial instrument identified by a customer, storing one or more attributes of said one or more transactions (column 5, line 65-column 6, line 18). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify "the series of questions" of Talati's to add "one or more attributes of one or more transactions" as taught by Watson in "the series of questions" queried by the transaction administrator, for the purpose of allowing the transaction administrator query the client one or more attributes of one or more transactions in order to provide additional security when processing transactions using a financial instrument.

Regarding to claim 2, Talati discloses after said initiating, soliciting said proffered attributes from the customer (column 5, lines 35-40).

Regarding to claims 3-7, Talati does not disclose wherein said initiating comprises: initiating a first transaction involving the financial instrument with a first set of attributes; and initiating a second transaction involving the financial instrument with a second set of attributes different from said first set of attributes; wherein said storing attributes comprises storing a value of a first transaction in said one or more transactions, a merchant identity of a first transaction in said one or more transactions, the number of said one or more transactions; wherein said storing attributes comprises storing a type of one of said one or more transactions. However, such features are well known in the art of maintaining and processing financial transactions at a credit authority (e.g. credit card issuer, bank, etc). See claim 1 above for the same motivations.

Regarding to claim 8, Talati discloses wherein said initiating comprises operating a transaction processor to electronically initiate said transactions (column 4, lines 45-50, the originator 50 initiates a transaction using processor 70).

Regarding to claim 9, Talati discloses wherein said receiving comprises electronically receiving said proffered attributes (column 8, lines 17-47).

Regarding to claims 10-12, Talati discloses wherein the financial instrument is a credit card, a debit card, or a bank account (column 4, lines 55-57).

Claims 13-24 have similar limitations found in claims 1-12 above, therefore, are rejected by the same rationale.

Claims 25-26 have similar limitations found in claims 1, 5 above, therefore, are rejected by the same rationale.

Claims 27-28 have similar limitations found in claims 1, 4 above, therefore, are

rejected by the same rationale. Moreover, Talati discloses a bank account includes an

account number and routing number (column 7, lines 25-45).

Claim 29 is written in computer software that parallel the limitations found in claim

1 above, therefore, is rejected by the same rationale.

Regarding to claim 30, Talati discloses a system for verifying a user's

authorization to user an external financial account, comprising:

a transaction processor (column 4, lines 45-57; an originator 50 initiates a

transaction using processor 70, the originator identity may comprise a credit card

number, account number, etc.);

a memory configured to store a first set of details of said transactions (column 4,

lies 58-60; the processor 70 is a personal computer, note that a personal computer

always includes a memory; column 5, lines 15-20 and figure 50; the originator 50 stores

a list 100 includes the UTID, the amount, parities, etc. associated with each transaction

generated by the originator);

a user interface configure to receive a test set of details (column 4, lines 58-65);

and

a processor configures to compare said first set of details and said test set of

details (column 5, lines 15-20, the originator compares the UTID with a list 100

generated by the processor 70).

Talati does not disclose the transaction processor configured to initiate one or

more transactions involving an external financial account identified by a user, a test set

of details independent of any transaction involving the external financial account, the

test set of details after said transactions have been completed. However, Watson

discloses the transaction processor configured to initiate one or more transactions

involving an external financial account identified by a user, a test set of details

independent of any transaction involving the external financial account, the test set of

details after said transactions have been completed (column 5, line 65-column 6, line

18). Therefore, it would have been obvious to one with ordinary skill in the art at the

time the invention was made to modify "the series of questions" of Talati's to add "one

or more attributes of one or more transactions" as taught by Watson in "the series of

questions" queried by the transaction administrator, for the purpose of allowing the

transaction administrator query the client one or more attributes of one or more

transactions in order to provide additional security when processing transactions using a

financial instrument.

Regarding to claim 31, Talati discloses said processor is further configured to

authorize the user to user the external financial account if said test set of details

matches a predetermined subset of said first set of details (column 5, lines 20-25).

Regarding to claim 32, Talati discloses where said transaction processor is

coupled to an ACH (Automated Clearing House) transaction handler (column 8, lines 1-

15).

Regarding to claims 33-35, Talati discloses where said transaction processor is

coupled to a credit card service provider which is merchant acquirer, a credit card

gateway provider (column 5, lines 50-67 and figures 3-6; a credit card transaction between a client 50, merchant 55 and credit authority 60).

Regarding to claim 36, Talati discloses where said transaction processor is configures to construct said one or more transactions prior to their initiation (column 4, lines 45-57).

Regarding to claim 37, Talati discloses a computer server for operating said user interface (column 4, lines 58-65).

Regarding to claim 38, Talati discloses wherein said computer server is further configured to construct said one or more transactions prior to their initiation by said transaction processor (column 4, lines 45-65).

Claims 39-41 are written in means that contain similar limitations found in claims 30, 31 above, therefore, are rejected by the same rationale.

Regarding claims 42-43, Talati discloses receiving the subsequent transaction, the subsequent transaction identifying a destination; the subsequent transaction identifying a source (column 5, lines 1-13). Talati does not disclose transferring funds from the financial instrument to the destination and transferring funds to the financial instrument from the source. However, transferring funds from/to financial instrument to/from the destination/source is well known in the art. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Talati's to include the feature above, for the purpose of allowing funds transfer using financial instrument.

Conclusion

7.   Claims 1-43 are rejected.

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (571) 272-6796. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3600.

9.   Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

C/o Technology Center 3600

Washington, DC 20231

Or faxed to:

(571) 273-8300 (for formal communication intended for entry),

or

(571) 273-0325 (for informal or draft communication, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Knox building, 501 Dulany Street, Alexandria, VA, First Floor (Receptionist).

NGA NGUYEN
PRIMARY EXAMINER

June 20, 2007